

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANDREW W. KATZENMOYER	:	
Plaintiff,	:	Case No. 2:12-cv-00660
v.	:	Judge
TR'BL MARKETING, LTD, <i>et al.</i>	:	Magistrate Judge
Defendants.	:	

NOTICE OF REMOVAL

Defendants, PETERSEN INTERNATIONAL UNDERWRITERS and CERTAIN INTERESTED UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO CERTIFICATE NO. 003835/POLICY NO. 0998/00 (incorrectly identified as Certain Interested Underwriters at Lloyd's of London c/o Petersen International Insurance Brokers), collectively referred to hereinafter as the "Removing Parties," by and through counsel, state the following:

1. The Removing Parties are named Defendants in a matter before the Franklin County Common Pleas Court styled *Katzenmoyer v. TR'BL Marketing, Ltd, Petersen International Underwriters, and Certain Interested Underwriters at Lloyd's of London*, Case No. 12CV-06-7832 (hereinafter the "State Action".)

2. Defendant Petersen International Underwriting is a California based company providing insurance services.

3. Defendant Certain Interested Underwriters at Lloyd's, London Subscribing to Certificate No. 003835/Policy NO. 0998/00 (incorrectly identified as Certain Interested Underwriters at Lloyd's of London c/o Petersen International

Insurance Brokers)(“Underwriters”) is composed of numerous individuals and/or corporations or other juridical entities, organized under the laws of the United Kingdom and having a principal place of business in London, England.

4. Defendant TR’BL Marketing Ltd., alleged by Plaintiff to be “an Ohio limited liability corporation providing insurance related services and products with its principal place of business in Franklin County, Ohio” has consented, through counsel, to the herein removal and will manifest such agreement.

5. On June 15, 2012, the above-entitled proceeding was purportedly commenced against the Removing Parties in Franklin County Court of Common Pleas and is pending in that court.

6. This matter is commercial and contractual, and pertains to written contracts, each of which has at least one contracting party who is not a citizen of the United States of America.

7. The jurisdiction of this Court is founded on 28 U.S.C. § 1331, this being a dispute arising under the Constitution, laws and treaties of the United States.

8. Specifically, the Removing Defendants invoke the multi-lateral treaty known as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards [the “Convention”], and Chapter 2 of the Federal Arbitration Act, 9 U.S.C. § 201 et seq. [the “FAA”]. Specifically, 9 U.S.C. § 203, provides that cases arising under the Convention “shall be deemed to arise under the laws and treaties of the United States. The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction over such an action or proceeding, regardless of the amount in controversy.”

9. The matter “relates to an arbitration agreement falling under the Convention,” and as such, removal is proper under 9 U.S.C. §205.

10. Venue is proper under 28 U.S.C. § 1441(a), this being the district encompassing the Ohio state court in which the State Action was instituted.

11. Removal of the State Action is timely as trial has not been conducted in the State Action, and pursuant to 9 U.S.C. § 205, the action may be removed “at any time prior to the trial thereof.”

12. Copies of all process, pleadings, and orders served on the Removing Parties in the above-entitled action are attached hereto as Exhibit A filed with this Notice.

13. Undersigned counsel certifies that a copy of this Notice of Removal will be served promptly on counsel for all parties and will be filed with the Clerk of Court for the Franklin County Court of Common Pleas.

WHEREFORE, the Removing Parties pray that the above-entitled action be removed from the Franklin County Court of Common Pleas to this Honorable Court.

Dated: July 20, 2012

Respectfully submitted,

/s/ Randall S. Rabe
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Trial Attorney for Defendants
Certain Interested Underwriters at Lloyd’s, London
subscribing to Certificate No. 003835 (incorrectly
identified as Certain Underwriters at Lloyd’s,
London) and Petersen International Underwriters

CERTIFICATE OF SERVICE

This is to certify that the foregoing NOTICE OF REMOVAL, with exhibits, was sent via ordinary mail, postage prepaid, this 20th day of July, 2012 to:

Edward J. Hollern
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&

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Attorney for Defendant TR'BL Marketing, LTD

/s/ Randall S. Rabe
Randall S. Rabe